IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 118 OF 2007

Shri Mahadev Kushaba Shinde .. Applicant.

V/s.

1. Mrs.Kusum S.Shah & Anr. .. Respondents.

Mr.Amol P. Mhatre for the Applicant.

Mr.J.S.Kini i/by H.V.Gala & Co. for the Respondents.

CORAM : S. A. BOBDE, J.

DATED : 17th JULY, 2007.

P.C. :-

. This civil revision application is preferred against concurrent findings of the two courts below, decreeing the respondents suit for eviction of the petitioner from the suit premises and for mesne profit. The courts below have come to the conclusion that the petitioner was employed as servant by the respondents and has negatived the petitioner's contention that he was the tenant but the respondent has refused to pass a receipt. The order of the appellate court is based on the admission of the petitioner that he was doing household work and he was to bring vegetables and whatever told by the owner. There are further admissions that he used to do other duties in the house such sweeping, putting beds, bringing milk etc.. In

view of these admissions, there appears to be no error of law or jurisdictional error committed by the courts below.

2. The next contention on behalf of the petitioner is that the findings of the courts below that the petitioner has not proved the area in question to be a slum, are illegal. The lower appellate court has observed that the petitioner has failed to produce a gazette, notifying an area in question to be a slum. In fact, in the application made before the lower appellate court for recording additional evidence, the petitioner failed to produce gazette. Moreover, even at the hearing before the appellate court the petitioner has failed to produce the gazette. The courts below have found that the certificate produced by the petitioner is insufficient to establish the fact that the area in question was a part of a slum. In fact the appellate court has observed that the certificate also has not been properly proved according to the Evidence Act. Having regard to the overall circumstances of the case, there appears to be no jurisdictional error or material irregularity in the orders of the courts below.

3. Hence, the civil revision application is dismissed.

(S.A.BOBDE,J.)

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